

Message

From: Nichols, Miranda (MPCA) [miranda.nichols@state.mn.us]
Sent: 12/17/2021 4:58:54 PM
To: Proto, Paul [proto.paul@epa.gov]
Subject: FW: MPCA Draft 2022 Impaired Waters List – Clean Water Act Section 303(d)

FYI, a form-letter comment I am receiving (all comments will be provided)

From: Kathy Moraski <kmoraski45@gmail.com>
Sent: Friday, December 17, 2021 10:04 AM
To: Nichols, Miranda (MPCA) <miranda.nichols@state.mn.us>
Subject: MPCA Draft 2022 Impaired Waters List – Clean Water Act Section 303(d)

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Ms. Nichols,

Please add Birch Lake to the 2022 Draft Impaired Waters List, identifying it as a wild rice Water Quality Limited Segment impaired due to sulfate. This addition is necessary to protect wild rice, clean water, the exercise of Treaty-reserved rights, and the gateway of the Boundary Waters.

I appreciate that the Minnesota Pollution Control Agency (MPCA) has proposed to list 35 wild rice sulfate-impaired waters under the Clean Water Act. However, the Clean Water Act and the public interest require protection of wild rice and Birch Lake by listing Birch Lake as a wild rice water impaired due to excessive sulfate.

1. It is undisputed that Birch Lake is a wild rice water. MPCA, Tribal, and industry data all confirm this fact.
2. It is undisputed that sulfate levels in Birch Lake, particularly in areas near Dunka Bay and Bob Bay, are impaired due to sulfate exceeding Minnesota's wild rice standard (10 parts per million). Much of the high quality monitoring data available was collected by community groups and Tribes.
3. Dr. Patrick Brezonik, the former chair of MPCA's scientific peer review panel pertaining to the wild rice sulfate standard, has concluded Birch Lake must be listed as impaired due to sulfate.
4. Listing Birch Lake as a sulfate-impaired wild rice water is necessary to prevent further harm to wild rice, increased mercury contamination of fish, and degradation of the Boundary Waters, immediately downstream.

MPCA must list Birch Lake as a 2022 wild rice sulfate-impaired water to protect wild rice, water quality, Treaty-reserved rights, and the Boundary Waters and to comply with the Clean Water Act.

Sincerely,
Kathy Moraski
7611 Teal Bay
Saint Paul, MN 55125
165-127-1259

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